Appendix

Excerpts from the File Wrapper (Patent Office File) of the Patent in Suit

"The apparatus claims differ from Shaver much more substantially than merely by the reversal of the positions of the tables 10 and 11 since applicants' mounting of the tool and stylus both between the two tables results in a substantially different manner of operation of the apparatus, for instance, in that applicants employ as a pattern not an ordinary topographical map as employed by Shaver but instead a reversed print of such a map (see page 3, line 10 at et seq). For these reasons, it is respectfully submitted that it would not be obvious to one skilled in the art to construct the apparatus claimed from a prior knowledge of Shaver." (Defs' Exh 2, page 23).

"Furthermore, applicants' device and the Shaver device differ substantially in that this pattern used in applicants' device must be a photographic reverse print whereas the pattern in the Shaver device is not a reverse print. If a man skilled in the art is to consider employing the oppositely facing tool and stylus of Woody in the Shaver apparatus, he must conceive of the operational method applicants employ where a reverse print of the topographical map is made for use with the apparatus. It is respectfully submitted that the conception of employing a reverse print of the topographical map or pattern is an antecedent to conception of applicants' apparatus which makes the conception of applicants' apparatus unobvious from the references. Thus, the apparatus as it is claimed recites a tool and stylus facing in opposite directions for use with a reverse print of a topographical map. While Woody shows tool and stylus facing in opposite directions, neither of the

references shows any contemplation of the use of a reverse print pattern. The Woody device might inherently require the use of a reverse print pattern if a pattern like Shaver's were employed, but the pattern used in the Woody device is totally unrelated to the type of pattern which is used in making topographical models. Because the groove 21 in the Woody template is symmetrical on both sides of the axis of the bearing 11, the Woody device does not have any pattern component which needs reversal because of the oppositely facing arrangement of the tool and stylus. In a reverse print pattern, portions of the pattern are reversed right to left along both horizontal axes, and such reversal of the pattern is not necessary in the Woody device since the Woody device operates symmetrically in all radial directions.

Thus, the modification of Shaver to incorporate opposed tool and stylus from Woody would require the conception of a method of use of the apparatus which would not be obvious to a man skilled in the art. If a man skilled in the art did not conceive of applicants' method of using a reverse print, he would have to conceive of some other unobvious modification of Shaver, such as making the Table 14 and map 10 transparent, in order to permit the Woody structure to be used in the Shaver apparatus." (Defs' Exh 2, page 61-63).